

**NEIGHBORHOOD PLAN AMENDMENT REVIEW SHEET**

**NEIGHORHOOD PLAN:** East Riverside/Oltorf Combined

**CASE#:** NPA-2018-0021.03

**DATE FILED:** July 31, 2018 (In-cycle)

**PROJECT NAME:** Colop 2

**PC DATE:** January 22, 2019

**ADDRESS:** 5107 East Riverside Drive

**DISTRICT AREA:** 3

**SITE AREA:** 2.15 acres

**OWNER/APPLICANT:** Francisco Colop

**AGENT:** Bennet Consulting, Rodney Bennett

**CASE MANAGER:** Maureen Meredith

**PHONE:** (512) 974-2695

**STAFF EMAIL:** Maureen.meredith@austintexas.gov

**TYPE OF AMENDMENT:**

**Change in Future Land Use Designation**

**From:** Single Family

**To:** Mixed Use/Office

**Base District Zoning Change**

**Related Zoning Case:** C14-2018-0088

**From:** SF-2-NP

**To:** \*LO-MU-NP

*\*Original request was for GO-MU-NP but was amended by the Applicant to LO-MU-NP on January 15, 2019.*

**NEIGHBORHOOD PLAN ADOPTION DATE:** November 16, 2006

**PLANNING COMMISSION RECOMMENDATION:**

**January 22, 2019** – Approved on the consent agenda for applicant’s request for Mixed Use/Office land use. [J. Schissler – 1<sup>st</sup>; C. Kenny – 2<sup>nd</sup>] Vote: 11-0 [A. De Hoyos Hart and P. Seeger absent].

**STAFF RECOMMENDATION:** Recommended for applicant's request for Mixed Use/Office land use.

**BASIS FOR STAFF'S RECOMMENDATION:** Staff supports the applicant's request for Mixed Use/Office land use because this land use is appropriate for this location. The front part of the property is within the East Riverside Corridor Plan designated as Urban Residential. The Mixed Use/Office land use is consistent with residential and office uses.

Below are sections of the plan document that support the applicant's request:

**Goal 1**

**Preserve and enhance the character of existing residential neighborhoods.**

- R1 Retain single family uses in established single family neighborhoods (NPZD; Neighborhood).
- R2 Consider existing residential densities and current housing stock in future land use and zoning decisions to promote compatibility (NPZD; Neighborhood).
- R3 Promote and support compatibility between single family residences by (NPZD; Neighborhood):
  - retention of scale between structures regarding height, mass and impervious cover in both remodeling and new home construction.
  - encouraging City Council to incorporate the following recommendation developed by neighborhood stakeholders into their proposed Single Family Development Regulations:
    - Retain the existing scale and massing in new single family structures and remodels adjacent to residences and limit height to 35 feet, measured from existing grade of the adjacent residences.

Obj 1.1 Minimize the negative effects between differing intensities of uses by:

R5 Requiring strict adherence to Compatibility Standards (NPZD).

R6 Encouraging City Council to modify the Land Development Code to require compatibility standards between residential uses (including multifamily) and all office and commercial uses,

and require vegetative buffers of 25 feet within the setback (Neighborhood).

R7 Retaining office uses as a transition between other commercial and residential uses (NPZD).

### Goal 3

**Improve the appearance, vitality and safety of existing commercial corridors and community amenities and encourage quality urban design and form that ensures adequate transition between commercial properties and adjacent residential neighborhoods.**

Obj. 3.1 Promote the redevelopment of underutilized properties.

R26 Support the development of buildings with both a commercial and residential component along the south side of Riverside Drive west of Pleasant Valley Road and along the west side of Pleasant Valley Road north of Riverside Drive (NPZD; Neighborhood).

### Goal 4

**Encourage a balanced mix of residential, civic, commercial, office and other land uses without adversely affecting adjacent residential neighborhoods.**

Obj. 4.1 Apply land use and zoning tools or options in specified areas to promote a mixture of uses.

Obj. 4.2 Offer diverse commercial and office types to serve the retail and professional service needs in the community.

R32 Maintain opportunities for office uses on major corridors (NPZD; Neighborhood).

R33 Preserve locations with viable commercial uses such as Oltorf Street and the north side of Riverside Drive between Parker Lane and Pleasant Valley Road (NPZD; Neighborhood).

## **LAND USE DESCRIPTIONS**

### *EXISTING LAND USE ON THE PROPERTY*

**Single family** - Detached or two family residential uses at typical urban and/or suburban densities.

#### **Purpose**

1. Preserve the land use pattern and future viability of existing neighborhoods;
2. Encourage new infill development that continues existing neighborhood patterns of development; and
3. Protect residential neighborhoods from incompatible business or industry and the loss of existing housing.

#### **Application**

1. Existing single- family areas should generally be designated as single family to preserve established neighborhoods; and
2. May include small lot options (Cottage, Urban Home, Small Lot Single Family) and two- family residential options (Duplex, Secondary Apartment, Single Family Attached, Two- Family Residential) in areas considered appropriate for this type of infill development.

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## ***PROPOSED LAND USE ON THE PROPERTY***

**Mixed Use/Office** - An area that is appropriate for a mix of residential and office uses.

### **Purpose**

1. Accommodate mixed use development in areas that are not appropriate for general commercial development; and
2. Provide a transition from residential use to non-residential or mixed use.

### **Application**

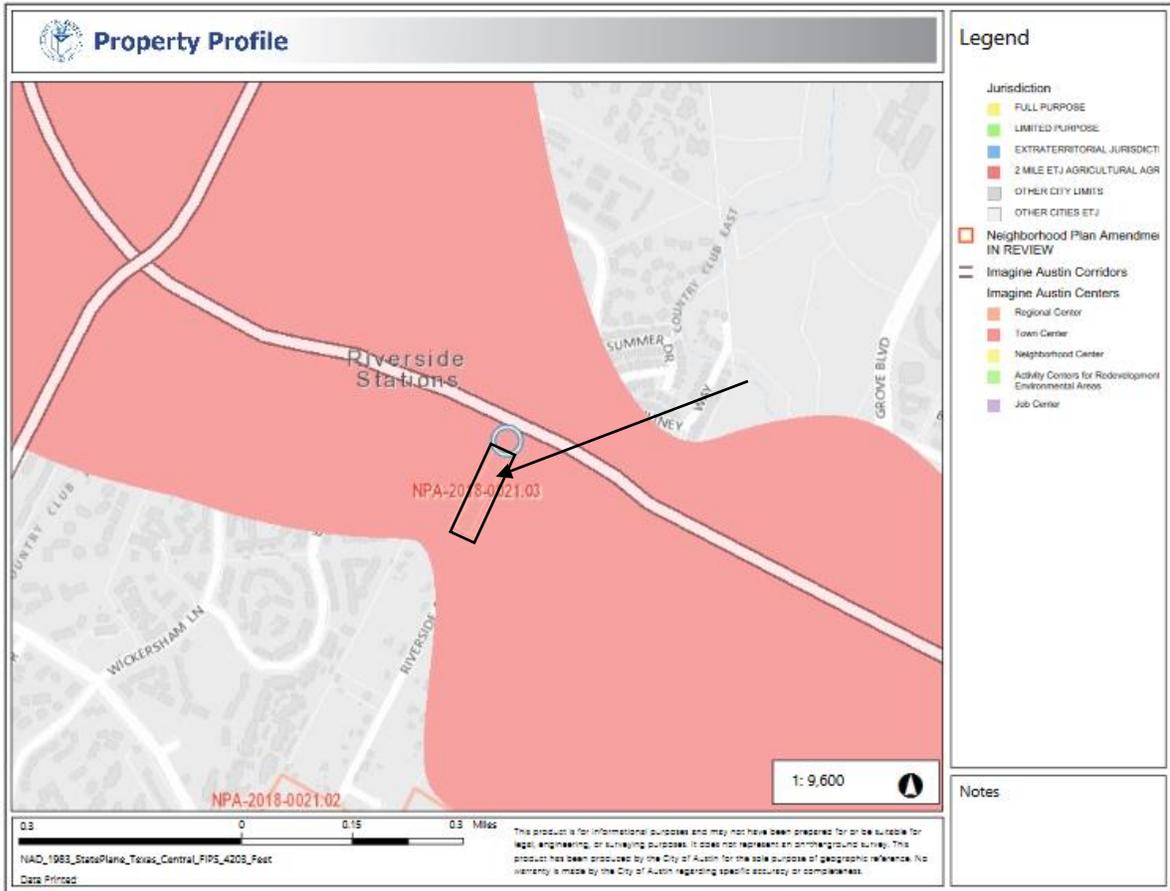
1. Appropriate for areas such as minor corridors or local streets adjacent to commercial areas;
2. May be used to encourage commercial uses to transition to residential use; and
3. Provide limited opportunities for live/work residential in urban areas.

## ***IMAGINE AUSTIN PLANNING PRINCIPLES***

1. Create complete neighborhoods across Austin that provide a mix of housing types to suit a variety of household needs and incomes, offer a variety of transportation options, and have easy access to daily needs such as schools, retail, employment, community services, and parks and other recreation options.
  - ***The applicant's zoning request could allow for residential uses in addition to office uses. The property is located along East Riverside Drive which has various businesses and services, in addition to access to public transportation.***
2. Support the development of compact and connected activity centers and corridors that are well-served by public transit and designed to promote walking and bicycling as a way of reducing household expenditures for housing and transportation.

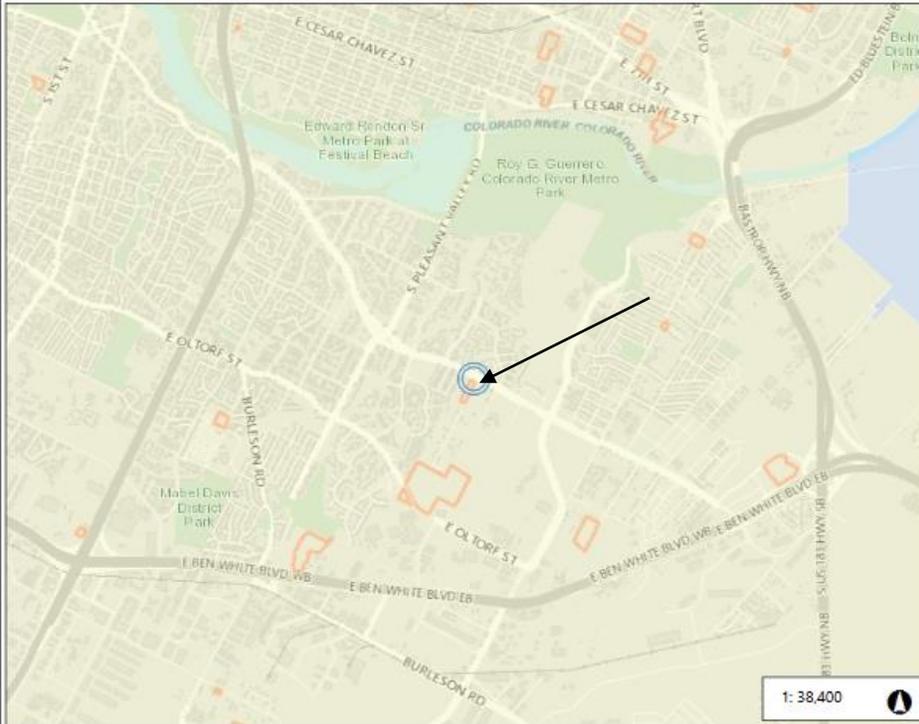
- ***The property is located within the Riverside Station – Town Center, Activity Center as identified in the Imagine Austin Comprehensive plan Growth Concept Map.***
- 3. Protect neighborhood character by ensuring context-sensitive development and directing more intensive development to activity centers and corridors, redevelopment, and infill sites.
  - ***The property is located within the Riverside Station – Town Center, Activity Center as identified in the Imagine Austin Comprehensive plan Growth Concept Map.***
- 4. Expand the number and variety of housing choices throughout Austin to meet the financial and lifestyle needs of our diverse population.
  - ***The proposed zoning would allow for residential and office use.***
- 5. Ensure harmonious transitions between adjacent land uses and development intensities.
  - ***The Applicant’s request for Mixed Use/Office land use is appropriate for this location.***
- 6. Protect Austin’s natural resources and environmental systems by limiting land use and transportation development over environmentally sensitive areas and preserve open space and protect the function of the resource.
  - ***The property is not located within an environmentally sensitive area.***
- 7. Integrate and expand green infrastructure—preserves and parks, community gardens, trails, stream corridors, green streets, greenways, and the trails system—into the urban environment and transportation network.
  - ***Not applicable.***
- 8. Protect, preserve and promote historically and culturally significant areas.
  - ***Not applicable.***
- 9. Encourage active and healthy lifestyles by promoting walking and biking, healthy food choices, access to affordable healthcare, and to recreational opportunities.
  - ***Not directly applicable.***
- 10. Expand the economic base, create job opportunities, and promote education to support a strong and adaptable workforce.
  - ***The applicant proposes to sell the property to a buyer who is interested in building a convalescent facility which could provide jobs for the area.***
- 11. Sustain and grow Austin’s live music, festivals, theater, film, digital media, and new creative art forms.
  - ***Not applicable.***
- 12. Provide public facilities and services that reduce greenhouse gas emissions, decrease water and energy usage, increase waste diversion, ensure the health and safety of the public, and support compact, connected, and complete communities.

- *Not applicable.*





# Property Profile



1:38,400

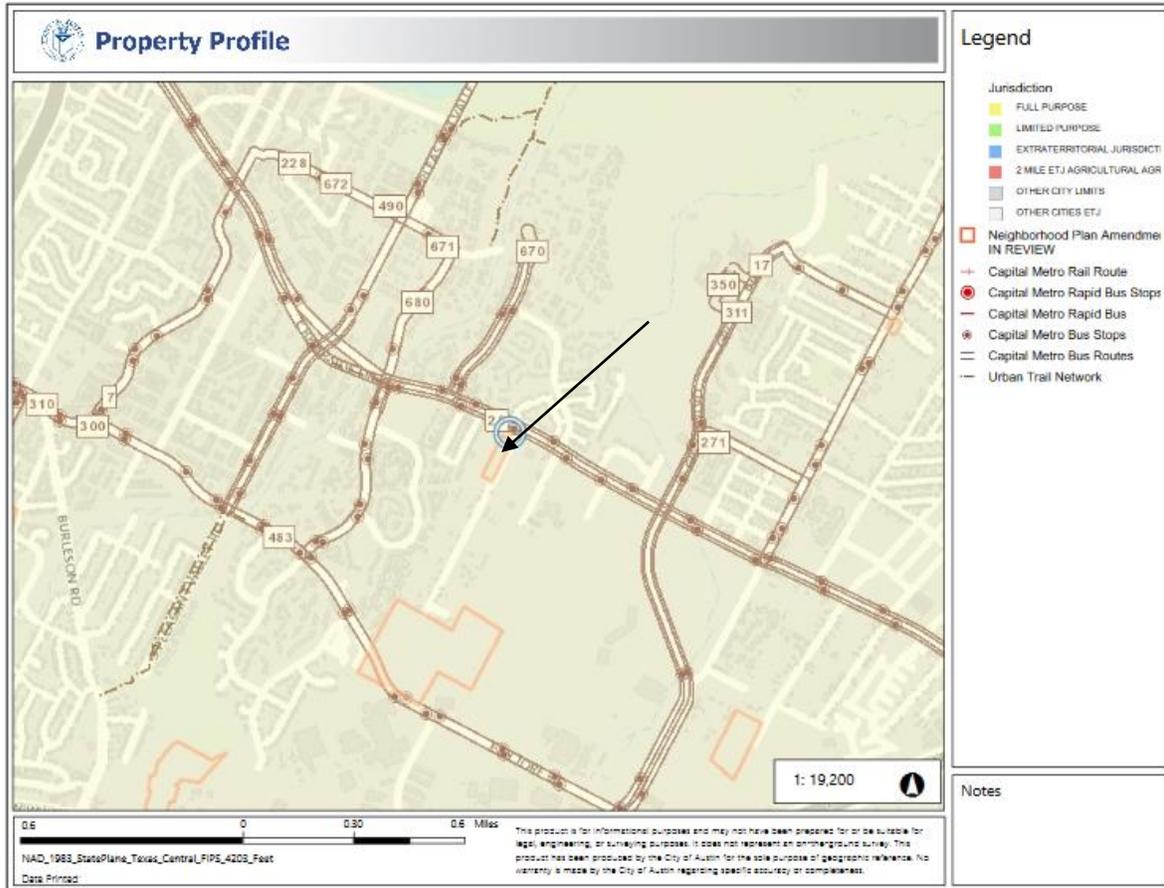
## Legend

- Jurisdiction**
- FULL PURPOSE
  - LIMITED PURPOSE
  - EXTRATERRITORIAL JURISDICTION
  - 2 MILE ETJ AGRICULTURAL AGR
  - OTHER CITY LIMITS
  - OTHER CITIES ETJ
  - Neighborhood Plan Amendment IN REVIEW
  - City of Austin Parks
  - Travis County Parks
  - Texas State Parks

## Notes

1.2 0 0.61 1.2 Miles  
 NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4209\_Feet  
 Date Printed:

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## IMAGINE AUSTIN GROWTH CONCEPT MAP

### Definitions

**Neighborhood Centers** - The smallest and least intense of the three mixed-use centers are neighborhood centers. As with the regional and town centers, neighborhood centers are walkable, bikable, and supported by transit. The greatest density of people and activities in neighborhood centers will likely be concentrated on several blocks or around one or two intersections. However, depending on localized conditions, different neighborhood centers can be very different places. If a neighborhood center is designated on an existing commercial area, such as a shopping center or mall, it could represent redevelopment or the addition of housing. A new neighborhood center may be focused on a dense, mixed-use core surrounded by a mix of housing. In other instances, new or redevelopment may occur incrementally and concentrate people and activities along several blocks or around one or two intersections. Neighborhood centers will be more locally focused than either a regional or a town center. Businesses and services—grocery and department stores, doctors and dentists, shops, branch libraries, dry cleaners, hair salons, schools, restaurants, and other small and local businesses—will generally serve the center and surrounding neighborhoods.

**Town Centers** - Although less intense than regional centers, town centers are also where many people will live and work. Town centers will have large and small employers, although fewer than in regional centers. These employers will have regional customer and employee bases, and provide goods and services for the center as well as the surrounding areas. The buildings found in a town center will range in size from one-to three-story houses, duplexes, townhouses, and rowhouses, to low-to midrise apartments, mixed use buildings, and office buildings. These centers will also be important hubs in the transit system.

**Job Centers** - Job centers accommodate those businesses not well-suited for residential or environmentally- sensitive areas. These centers take advantage of existing transportation infrastructure such as arterial roadways, freeways, or the Austin-Bergstrom International airport. Job centers will mostly contain office parks, manufacturing, warehouses, logistics, and other businesses with similar demands and operating characteristics. They should nevertheless become more pedestrian and bicycle friendly, in part by better accommodating services for the people who work in those centers. While many of these centers are currently best served by car, the growth Concept map offers transportation choices such as light rail and bus rapid transit to increase commuter options.

**Corridors** - Activity corridors have a dual nature. They are the connections that link activity centers and other key destinations to one another and allow people to travel throughout the city and region by bicycle, transit, or automobile. Corridors are also characterized by a variety of activities and types of buildings located along the roadway — shopping, restaurants and cafés, parks, schools, single-family houses, apartments, public buildings, houses of worship, mixed-use buildings, and offices. Along many corridors, there will be both large and small redevelopment sites. These redevelopment opportunities may be continuous along stretches of the corridor. There may also be a series of small neighborhood centers, connected by the roadway. Other corridors may have fewer redevelopment opportunities, but already have a mixture of uses, and could provide critical transportation connections. As a corridor evolves, sites that do not redevelop may transition from one use to another, such as a service station becoming a restaurant or a large retail space being divided into several storefronts. To improve mobility along an activity corridor, new and redevelopment should reduce per capita car use and increase walking, bicycling, and transit use. Intensity of land use should correspond to the availability of quality transit, public space, and walkable destinations. Site design should use building arrangement and open space to reduce walking distance to transit and destinations, achieve safety and comfort, and draw people outdoors.

**BACKGROUND:** This plan amendment application was filed on July 31, 2018, which is in-cycle for neighborhood planning areas located on the east side of I.H.-35.

The applicant proposes to change the land use on the future land use map from Single Family to Mixed Use Office.

The applicant has a zoning change application requesting a change in zoning from SF-2-NP (Single Family Residence – Standard Lot) to GO-MU-NP (General Office – Mixed Use –

Neighborhood Plan) to build a convalescent facility. For more information on the zoning case, please see case number C14-2018-0088.

**PUBLIC MEETINGS:** The ordinance required community meeting was held on October 16, 2018. Approximately 864 meeting notices were mailed to people who own property or have utility accounts within 500 feet of the property. Thirty-two people signed the sign-in sheets. Additional attendees were two staff members, Maureen Meredith and Scott Grantham; Rodney Bennett, the applicant's agent; Charles Ponzio, the applicant's real estate agent, and Elizabeth and Daniel Colop, the two property owners.

After city staff gave a brief presentation regarding the planning process, Rodney Bennett and Charles Ponzio gave the following presentation:

**Rodney Bennett** said the zoning request of GO-General Office has general uses that are less intrusive. The owners want to market the property to a nursing home facility, which are buyers we have on the table right now. The front part of the property is in the East Riverside Corridor Plan and is zoned ERC- Urban Residential. The part of the property within the East Riverside/Oltorf Neighborhood Plan is zoned SF-2-NP and the FLUM is single family.

**Charles Ponzio**, the real estate agent for the property, explained that the rezoning process started in February 2018 to fix a zoning mistake. Once the Colop's complete the sale of the property, you can get all kinds of uses. We are willing to limit uses. When we met with the neighborhood, we talked about limiting the height to 40 feet.

Mr. Ponzio said during the East Riverside Corridor Planning process, TCAD showed the property as being separated into two tracts. The front part was rezoned to ERC-Urban Residential. The neighborhood supported the back part to stay SF-2-NP. Eventually we were able to prove to TCAD that the property was not two tracts, but was one tract, so the entire tract should have been rezoned to ERC-Urban Residential during the ERC planning process. We want to correct the zoning the zoning on the property. The Colops don't want to subdivide the property to match the ERC in the front. We have had a lot of inquiries for apartments and also for a memory center and a nursing home. We wanted to see if the neighborhood would support the GO-General Office zoning. The property to the west has ERC zoning. The Colop's property was singled out.

After the presentations, the following questions were asked:

**Q: I don't want smoke and mirrors. You want the property to be rezoned for the highest buyer because you want to maximize the sale. I want to negotiate with the people buying the property so I can talk to them about the use of this property.**

A: Most people want to rezone property to get as much money as possible. We have already worked with the owners of a memory care facility. We don't want to open the uses too wide and lose control of the neighborhood. There could be a limit to the uses and the height of the building as a way to protect the neighborhood.

**Q: We are OK with the memory care and convalescent services, but the zoning change could allow other uses as well. A conditional overlay could make it safer for us. We are retired. This is our retirement community and we don't want to rely on the city. We rely on each other. The front piece of the property is zoned to allow 40 foot building. You said you could keep the 40 foot height. We don't want a 7-Eleven or apartments. If the Colops sale the property, we are stuck. Can you guarantee this to us?**

A: The GO- General Office zoning doesn't allow retail sales or a convenience store

**Q: What would be the problem with selling the property with two different zoning districts, a clever designer could make it work.**

A: We haven't had any takers with the two different zoning districts.

**Q: With the current zoning, how many homes could be built under the current zoning?**

A: If the property were subdivided, 12 houses, but that would require each home to have a driveway on Riverside Farms. If we get the GO-General Office zoning we would have two driveways.

**Q: With a conditional overlay, does it have the same weight as a rezoning? Does the rights transfer to new ownership?**

A: If the property were rezoned with a conditional overlay, if the new owners wants to change the conditional overlay, they would have to rezone it. We will continue to work with Jan Long on the possibility of a conditional overlay.

**Q: Would a conditional overlay apply to all the property?**

A: No, it would only apply to the property that's part of this rezoning case.

**Q: Jan Long, from the Riverside Farms Neighborhood Association, said they met with the applicants on October 4, 2018 and created a wish list:**

- 1. Permitted uses the same as the part of the property currently zoning ERC— Urban Residential.**
- 2. FAR of 0.75: 1 (Same as ERC-UR)**
- 3. Max. height of 40 ft.**
- 4. Only two access points on Riverside Farms Road.**
- 5. No support for MU. We don't want apartments, but we would allow other residential uses.**
- 6. Limit the maximum vehicle trips to 2000 trips a day.**

A: Charles Ponzio said they want to keep apartments because the part of the property within the ERC allows apartments. Rodney Bennett said maybe they could limit the number of apartment units

**Q: Could an extended vegetative buffer be part of a CO?**

A: It could be in the set-back, but I would have to get back to you.

**Q: What do you want?**

A: We would like to keep the GO uses and keep the density the same. We would like 50 foot height instead of the 40 feet.

**Q: How many floors would the memory center be?**

A: Most memory centers are two floors and how many units?

**Comments:**

- I bought the property because of the SF-2-NP zoning. I don't want it to change.

**CITY COUNCIL DATE:**

February 21, 2019

**ACTION:**



Letter of Recommendation from the Neighborhood Plan  
Contact Team (NPCT)

**From:** Malcolm Yeatts

**Sent:** Monday, December 03, 2018 12:28 PM

**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>

**Cc:** Jan Long; 'Toni House'

**Subject:** NPA-2018-0021.03

The Riverside Farms neighborhood has reached an agreement with the owners of the property at 5107 East Riverside Drive concerning the cases NPA-2018-0021.03 and C14-2018-0088. The EROC Contact Team has voted on this agreement, and has approved the following rezoning with Conditional Overlays:

The front 150+ feet parcel is currently zoned ERC-UR and the proposed rezoning is for the back 2.15 acres, currently zoned SF-2-NP. Both parcels are being sold as one property. In order to make the two properties as compatible as possible, a rezoning to LO-MU-CO-NP for the back 2.15 acres has been mutually agreed upon. This rezoning allows for the FAR, the impervious cover, and the height restrictions to be equal. Residential use is permitted on both properties, and therefore, they are more easily developed as a single project. The Conditional Overlay limits access points on Riverside Farms Road to 2 entrances and creates a 25-foot setback from the south side of the property to the adjacent residential properties.

Malcolm Yeatts Chair, EROC Contact Team

Letter of Recommendation from Riverside Farms  
Neighborhood Assn and the Applicant's Representative

**From:** Jan Long  
**Sent:** Monday, January 07, 2019 9:48 PM  
**To:** Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** 'Betty Colop' 'F Colop' ; 'Rodney K. Bennett' ; Grantham, Scott <Scott.Grantham@austintexas.gov>; 'chazponz'  
**Subject:** RE: Compromise offered by neighborhood...

Maureen,

The compromised position is accurate. The only update is the result of a neighborhood meeting to discuss restricting permitted uses...The neighborhood decided that since a rezoning to LO/MU/CO allowed fewer uses than those permitted under GO/MU/CO, an additional restricted list was not necessary.

Jan

\*\*\*\*\*

**From:** Jan Long  
**Sent:** Tuesday, November 06, 2018 8:50 PM  
**To:** 'chazponz' ; Grantham, Scott <Scott.Grantham@austintexas.gov>; Meredith, Maureen <Maureen.Meredith@austintexas.gov>  
**Cc:** 'Betty Colop' ; 'F Colop' ; 'Rodney K. Bennett'  
**Subject:** RE: Compromise offered by neighborhood...

All,

Rodney and Chaz have accurately described the potential agreement between the neighborhood and the Colops:

Zoning recommended as LO/MU/CO with a Conditional Overlay 1) limiting access to Riverside Farms to 2 driveways only and 2) a 25-foot rear property line setback on the south end of the tract.

Both a full-scale nursing home and a memory care center are allowed under LO as Convalescent Services and are Conditional Uses under ERC-UR.

Since Monday's email below, I've received answers to a couple of questions and am ready to meet with the neighbors this Thursday concerning Maureen's suggestion at the NPA meeting in mid-October that the neighborhood look at permitted uses and that at that meeting I agreed to hold. (Meeting was originally scheduled for last Thursday but was postponed. I do not expect this meeting to result in anything that would hinder our moving forward with agreement.)

If that goes well, I think we can go forward as a win-win before the Planning Commission.

Jan

\*\*\*\*\*

**From:** Charles Ponzio  
**Sent:** Monday, November 5, 2018 8:22 AM  
**To:** Grantham, Scott <[Scott.Grantham@austintexas.gov](mailto:Scott.Grantham@austintexas.gov)>; Meredith, Maureen <[maureen.meredith@austintexas.gov](mailto:maureen.meredith@austintexas.gov)>  
**Cc:** Jan long; Betty Colop; F Colop; Rodney K. Bennett  
**Subject:** Re: Compromise offered by neighborhood...

Scott and Maureen,

Rodney called me on Friday about a proposed compromise offered up by Jan Long on behalf of then neighborhood, which is as follows:

- 1) In lieu of GO/MU, the neighborhood will agree to LO/MU/CO; the CO being a Conditional Overlay for two items only: a) 2 driveways only on Riverside Farms; b) a 25-foot rear property line setback.
- 2) The LO will reduce the height of the building from 60-feet in GO, to 40-feet. If that is not the case then that will need to be a third item in the CO.
- 3) A memory center will be allowed in the LO, but not a full scale nursing home that was allowed in GO, which will be a conditional use requiring site plan review by the Planning Commission. That said, Jan told Rodney that she would support the building of a nursing home if and when that time comes.

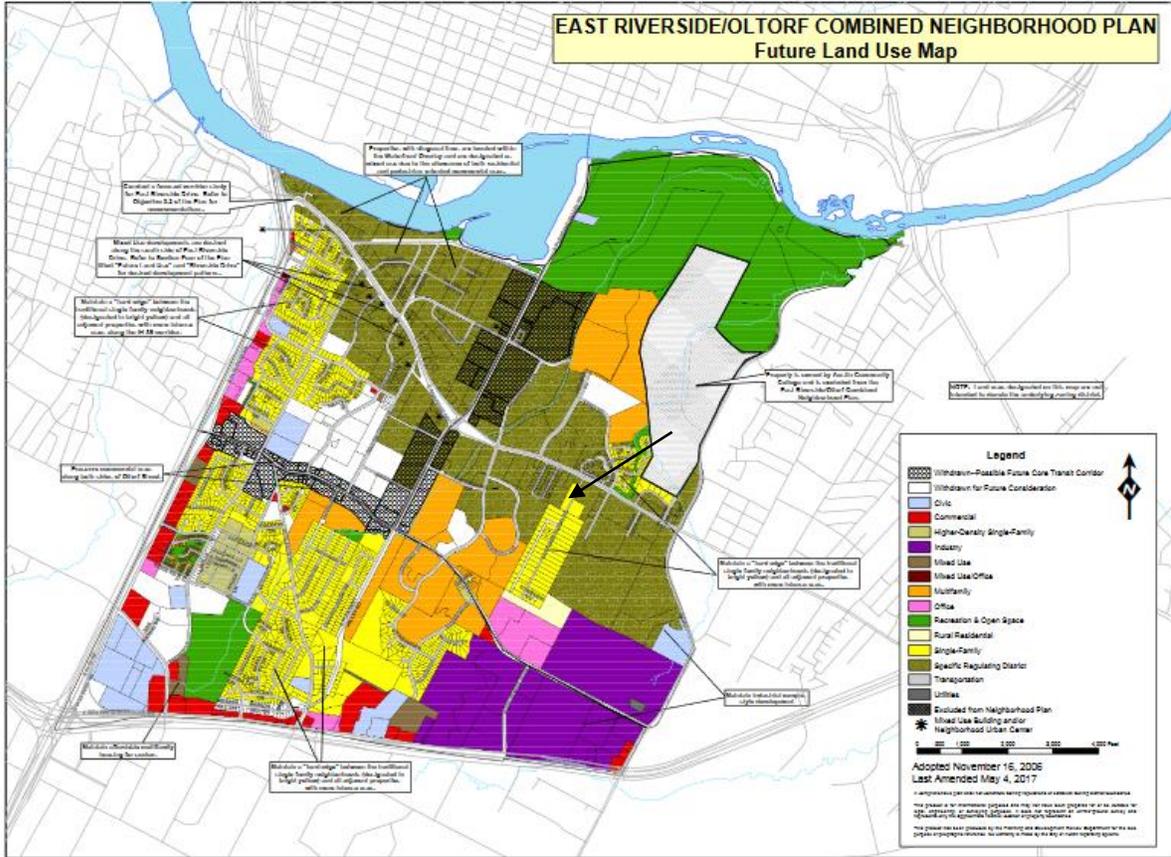
Please know that while I have advised the Colop's to hold fast with the 50-height compromise that I offered up at the neighborhood meeting that all of us attended, I've got a feeling that the Colop's are ready to agree with Jan's compromise and move forward; provided of course that I correctly recalled everything Rodney told me on Friday.

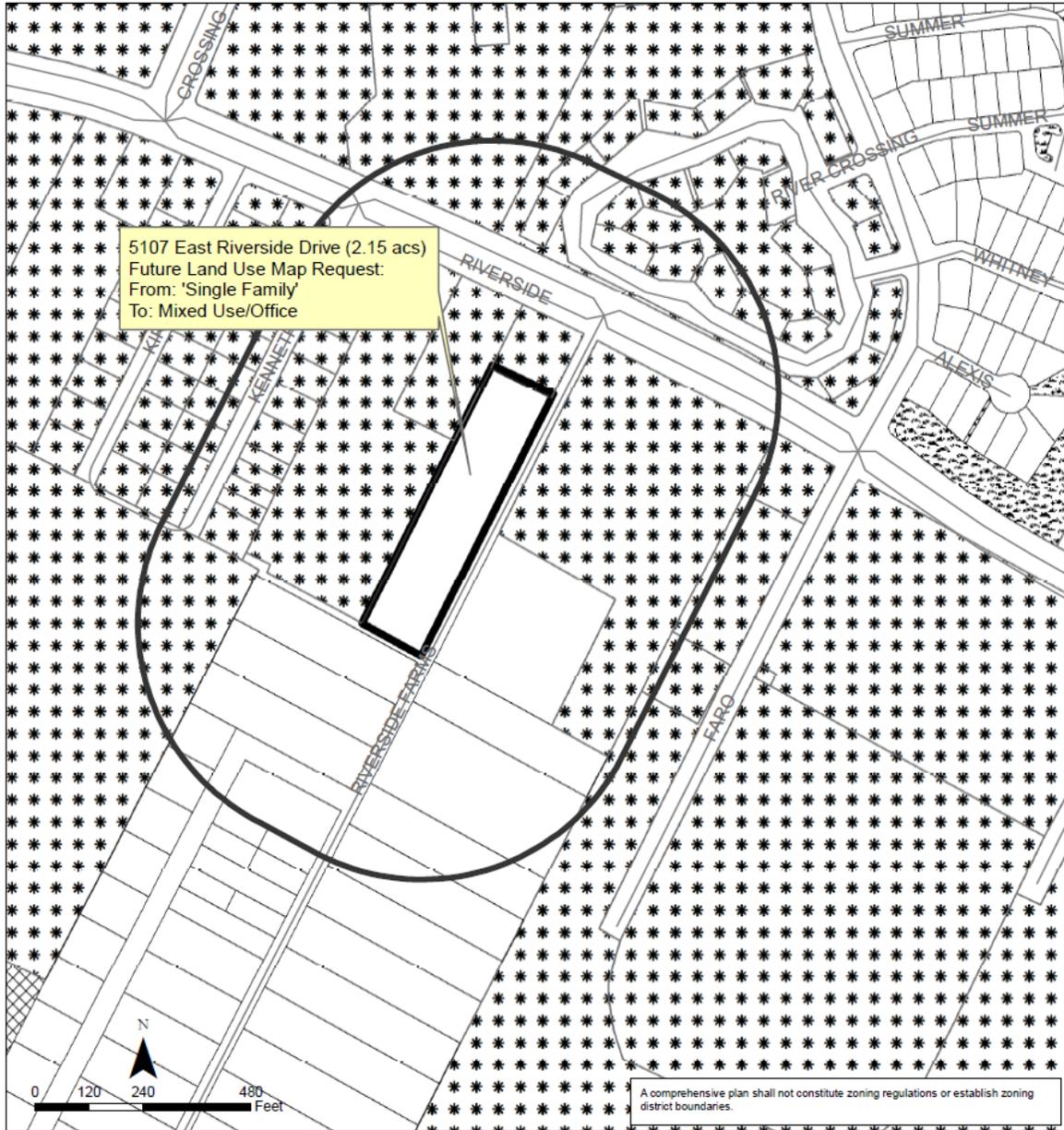
I'm guessing that if Jan confirms that I correctly recalled the compromise relayed to me by Rodney, the Colop's will probably respond that they're good to go.

Charlie

Charles Ponzio  
CONDUIT REALTY SERVICES  
512.779.3066  
PO Box 2497, Austin, TX 78768

# EAST RIVERSIDE/OLTORF COMBINED NEIGHBORHOOD PLAN Future Land Use Map





**East Riverside/Oltorf Combined Neighborhood Planning Area  
 NPA-2018-0021.03**

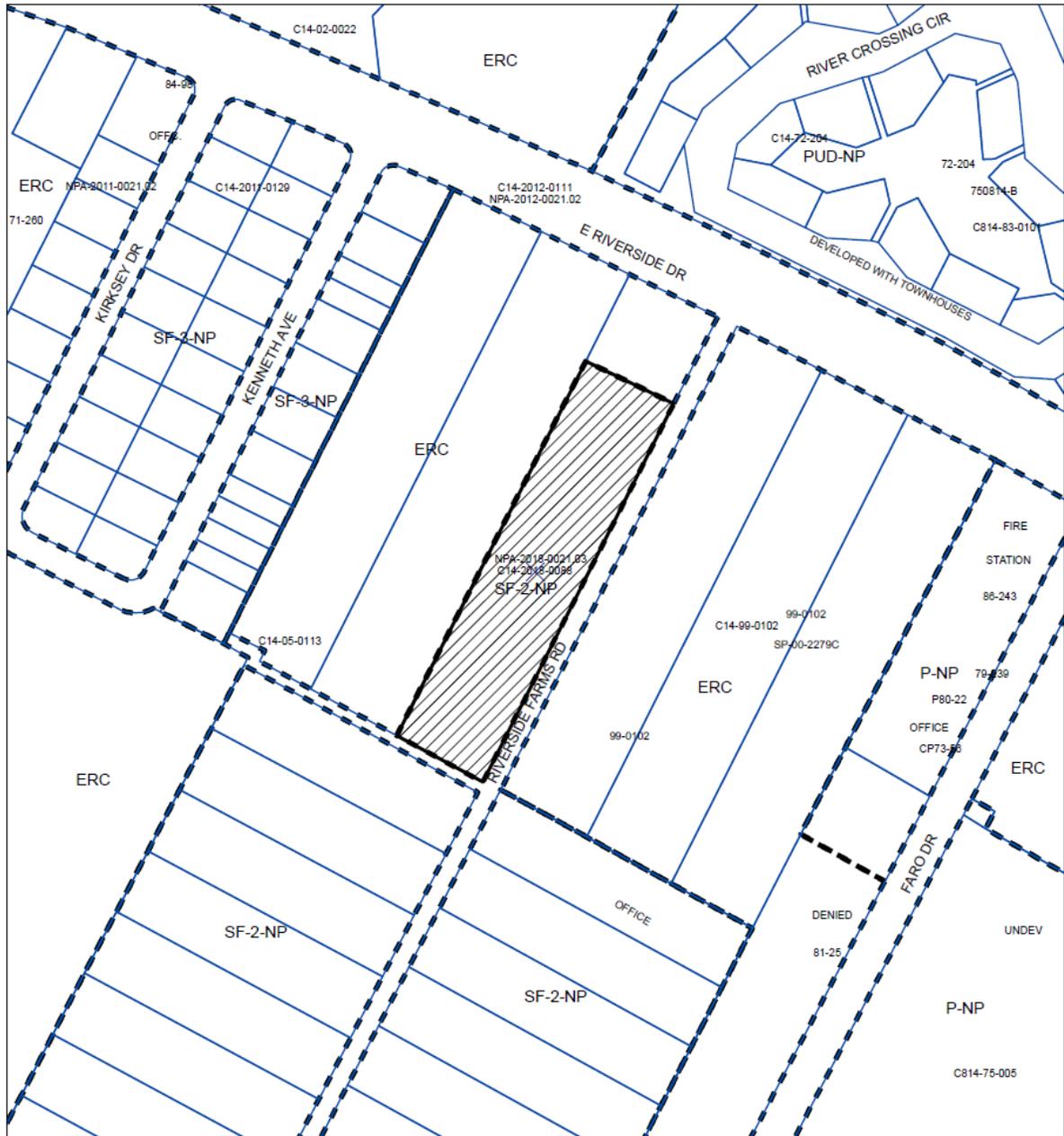
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City of Austin  
 Planning and Zoning Department  
 Created on 8/14/2018, by: meredithm

**Future Land Use**

500 ft. notif. boundary	Specific Regulating District
Rural Residential	Recreation & Open Space
Single-Family	Excluded from FLUM
Multi-Family	Subject Property



**ZONING CASE**

Zoning Case: C14-2018-0088

-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 200'

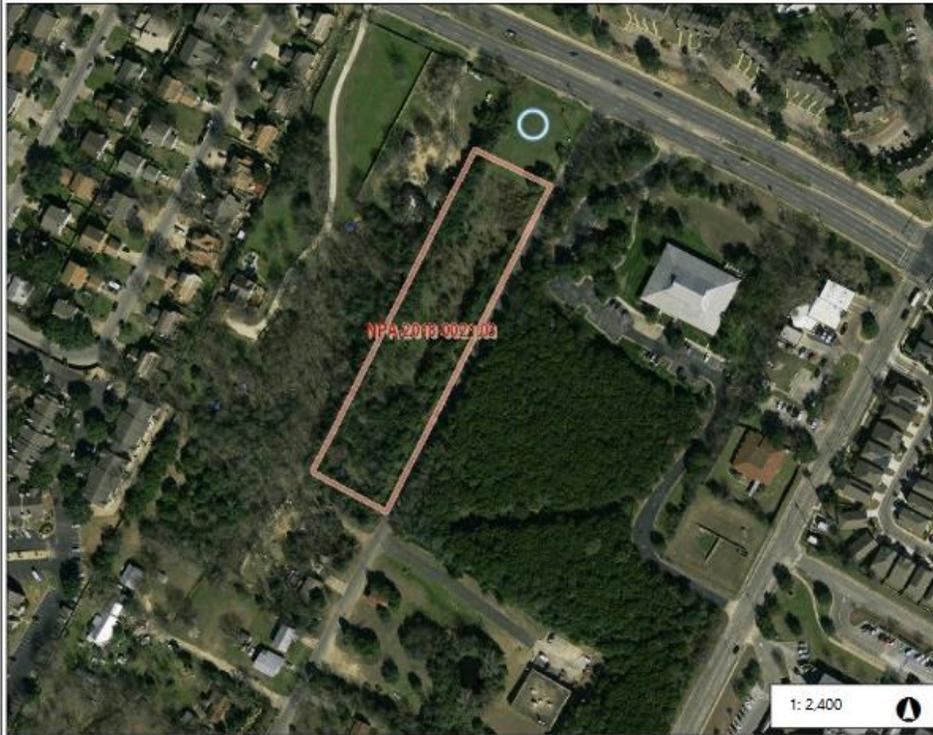
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# Property Profile



1: 2,400



0.1 0 0.04 0.1 Miles

NAD\_1983\_StatePlane\_Texas\_Central\_FIPS\_4205\_Feet

Date Printed:

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## Legend

-  Neighborhood Plan Amendment IN REVIEW

## Notes